

10/31/2003

1765013 - R8 SDMS



**Eric Heil**  
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To: Sheldon Muller/ENF/R8/USEPA/US@EPA  
cc:  
Subject: Sheldon Muller

10/31/03 08:14 AM

Sheldon, I'm really disappointed to learn yesterday that none of the Town's comments concerning the RDC/Webster/Sell Consent Decrees were given serious consideration. The Consent Decrees are not ready for adoption. At a minimum the Consent Decree language should be amended to require that the proceeds of the sale of any properties of Rico Development Corporation and/or properties of the Estate of Wayne Webster will be placed in the Rico response escrow account. You are definitely leaving assets on the table, as well as leaving property subject to the Consent Decree ill defined and poorly restricted. Again, approval of the Consent Decrees is pre-mature.

If the Consent Decrees are approved in the current form as you said yesterday you should expect a serious change of sentiment of the Town Board with regard to the role of the EPA in Rico. The Town Board members felt very strongly about the comments submitted. Wayne Webster was never a friend of the Town of Rico and we are constantly dealing with the legacy of his conscious and flagrant disregard of local, state and federal laws – the St. Louis Tunnel treatment being just one of many violations. I am quite indifferent to the sentiment of Richard Munson – Wayne Webster had dirty hands every since he purchased the land holdings from ARCO; however, I'm very much concerned about the role you are playing in all this where you are quick to cave-in to Webster's estate but are obstructionist to ARCO that is willing to reassume the cost and responsibility for treatment of the St. Louis Tunnel.

Frankly, I'm not sure what your agenda is but it is clearly not environmental clean-up or considering the best interest of our Town. I can assure you that I'm quite capable of representing small municipal interests in the face of sizeable opponents, and it is clear from yesterday's meeting that you are indifferent to the interests of Rico as well as indifferent to the fatal effect your agenda will have on many years of progressive planning. I will not sit by quietly and witness you sabotage all the progress Rico has made over the years – and whether you understand or not, or care or not, that is exactly what you are doing.

I, and the Town Board, don't think you have been upfront about the scope of a Superfund designation. Also, the Town never asked for soils samples or raised lead issues as a concern – Town has always focused concern on the St. Louis Tunnel and sought to promote a voluntary clean-up plan. Was the interest in sampling Town streets your personal involvement? – sampling Town streets was clearly not within the scope of the Start 2 sampling plan. EPA clearly has its own agenda, at least the enforcement action you are spear-heading. What is the Town to think when we hear encouragement from the State and other EPA officials to pursue partnership approaches, then you are driving forward in a completely different direction that could unilaterally sabotage everyone else's efforts.

Obviously, I'm beyond merely dissatisfied with your role in all this. Honestly, I've never had a good or productive experience with the EPA during my career. What is so wrong about the people who are actually affected by environmental issues providing direction for the best course of action?

Well, you are not the first difficulty our community has experienced and overcome, and you won't be the last.

Eric Heil